

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-376A

RONALD EVANS,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On January 22, 2010, the defendant filed a motion to sever Counts 1 through 5 from Counts 6 and 7.

On May 10, 2010, Magistrate Judge Schroeder filed a Decision and Order denying the defendant's motion to sever. On May 24, 2010, the defendant filed an appeal from the Magistrate Judge's Decision and Order. Oral argument on the appeal was held on September 28, 2010.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law."

The Court has reviewed the government's appeal and Magistrate Judge Schroeder's Decision and Order. Upon such review and after hearing argument from counsel, the Court finds that Magistrate Judge Schroeder's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order. The parties shall appear for a meeting to set a trial date on October 27, 2010 at 9:00 a.m.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 26, 2010